

HOUSE BILL NO. 1279

Introduced by

Representatives B. Koppelman, Rick C. Becker, Brabandt, D. Ruby

Senator O. Larsen

1 A BILL ~~for an Act to amend and reenact sections 12-44.1-30 and 12-47-34, subsection 1 of~~
2 ~~section 62.1-02-05, and subsection 3 of section 62.1-02-10 of the North Dakota Century Code,~~
3 ~~relating to carrying a weapon; and to repeal section 62.1-03-01 of the North Dakota Century~~
4 ~~Code, relating to restrictions on carrying a handgun.~~ for an Act to create and enact a new
5 subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to
6 possession of a firearm; and to declare an emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~— **SECTION 1. AMENDMENT.** Section 12-44.1-30 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **12-44.1-30. Correctional officers authorized to carry weapons.**~~

11 ~~— The administrator of a correctional facility may allow a qualified correctional officer to carry~~
12 ~~a weapon, including a firearm, during the transport of another governmental agency's prisoner if~~
13 ~~the correctional facility has a contract with the governmental agency to transport the agency's~~
14 ~~prisoners and that contract requires the officer doing the transport to be armed with a weapon.~~
15 ~~For purposes of this section, "governmental agency" means an agency or department of this~~
16 ~~state or of any political subdivision in this state, or another state or of a political subdivision of~~
17 ~~another state, or of the United States. The administrator of a correctional facility shall adopt a~~
18 ~~policy, approved by the director of the department of corrections and rehabilitation, which~~
19 ~~establishes the qualifications and training an officer must meet to carry a weapon under this~~
20 ~~section. Sections 62.1-02-05, and 62.1-02-10, and 62.1-03-01 do not apply to the possession~~
21 ~~and use of a firearm by a qualified correctional officer acting in the course of employment as~~
22 ~~allowed by this section.~~

23 ~~— **SECTION 2. AMENDMENT.** Section 12-47-34 of the North Dakota Century Code is~~
24 ~~amended and reenacted as follows:~~

1 ~~12-47-34. Escapes from director's custody -- Director may offer reward for recapture --~~

2 ~~Payment of reward -- Use of firearms.~~

3 ~~1. The director of the department of corrections and rehabilitation shall adopt measures~~
4 ~~necessary for the detection and capture of offenders escaping from the custody of the~~
5 ~~department. If an offender in the custody of the department escapes, the director shall~~
6 ~~use all lawful means for the apprehension of the offender. The director may offer a~~
7 ~~reward not to exceed one thousand dollars and not less than one hundred dollars for~~
8 ~~information leading to apprehension of an offender who has escaped from the custody~~
9 ~~of the department.~~

10 ~~2. The director may authorize correctional officers trained in the use of firearms:~~

11 ~~a. To carry firearms when in the course of their duties on penitentiary premises.~~

12 ~~b. To carry firearms, including keeping and carrying loaded firearms in motor~~
13 ~~vehicles, when transporting offenders in the custody of the department.~~

14 ~~c. To carry firearms, including keeping and carrying loaded firearms in motor~~
15 ~~vehicles, for the prevention of escapes or for the apprehension of offenders who~~
16 ~~have escaped from the custody of the department.~~

17 ~~3. Sections 62.1-02-05, and 62.1-02-10, and 62.1-03-01 do not apply to the possession~~
18 ~~and use of firearms by authorized and trained correctional officers acting in the course~~
19 ~~of their employment under this section.~~

20 ~~**SECTION 3. AMENDMENT.** Subsection 1 of section 62.1-02-05 of the North Dakota~~
21 ~~Century Code is amended and reenacted as follows:-----~~

22 ~~1. An individual who knowingly possesses a firearm or dangerous weapon at a public~~
23 ~~gathering is guilty of a class B misdemeanor. For the purpose of this section, "public~~
24 ~~gathering" means an athletic or sporting event, a school, a church, and a publicly~~
25 ~~owned or operated building.~~

26 ~~**SECTION 4. AMENDMENT.** Subsection 3 of section 62.1-02-10 of the North Dakota~~
27 ~~Century Code is amended and reenacted as follows:-----~~

28 ~~3. An individual possessing a valid concealed weapons license from this state or who~~
29 ~~has reciprocity under section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if~~
30 ~~not in the field hunting or trapping.~~

31 ~~**SECTION 5. REPEAL.** Section 62.1-03-01 of the North Dakota Century Code is repealed.~~

1 **SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota
2 Century Code is created and enacted as follows:

3 A public employee who, through the course of the individual's employment and
4 with the consent of the governing body or person responsible for the
5 management of the building, resides in and stores a firearm or dangerous
6 weapon in a residential dwelling that is a government building.

7 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.